



BOARD OF COMMISSIONERS LAPORTE COUNTY Office Annex

555 Michigan Avenue, Suite 202

LaPorte, IN 46350-3400

Phone: (219) 326-6808 ext. 229 – FAX: (219) 326-9103

William Hager,
President

Michael Bohacek,
Vice President

Barbara Huston,
Member

LAPORTE COUNTY COMMISSIONERS

TUESDAY, August 5, 2008

The LaPorte County Board of Commissioners met in a regular session on Tuesday, August 5, 2008, at 6:00 p.m. in the LaPorte County Complex Meeting Room #3.

Commission President William Hager called the meeting to order at 6:08 p.m.

Present at the meeting were Commission President William Hager, Commission Vice President Michael Bohacek, and Commission member Barbara Huston. Also present, LaPorte County Auditor Teresa Shuter, LaPorte County Attorney Robert Szilagyi, and Executive Secretary Reathel Noveroske.

PLEDGE OF ALLEGIANCE

Mr. Bohacek led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Hager, under New Business please add K., Small Structure Inventory and L., TEA-21 Repaving Projects. Mrs. Huston made a motion to approve the amended agenda, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

APPROVAL OF MINUTES

Mrs. Huston made a motion to approve the minutes of July 15, 2008, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Mrs. Huston made a motion to approve payroll ending August 8, 2008 and August 22, 2008, seconded by Mr. Bohacek, motion carried by voice vote 3-0. Both payroll periods are being approved because we have cancelled the August 19, 2008 meeting.

Miscellaneous Claims—\$600,401.19, Mrs. Huston made a motion to approve, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Regular Claims —\$607,778.06, Mr. Bohacek made a motion to approve, seconded by Mrs. Huston, motion carried by voice vote 3-0.

CORRESPONDENCE

None

REQUESTS

Heath & Lisa Haferkamp/Temporary Road Closing

Mr. Hager, they are having a block party from 2:00 p.m. – 12:00 a.m. on Saturday, August 23, 2008, and would like to briefly close Sportsman Lane in Hunters Run subdivision. There is a second entrance/exit to Hunters Run that would allow residents access to their homes as well as emergency vehicles.

Mr. Bohacek made a motion to temporarily close Sportsman Lane for this event, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Kankakee Township Fire Dept./Temporary Road Closing

Mr. Hager, they will be holding their 37th Annual Firefighter's Ball on Saturday, September 6, 2008, and are requesting permission to close Michigan Street from Maple to Depot on Friday, September 5, 2008. Then to close Depot Street from Mechanic Street north to Walker Street and Michigan Street from Depot Street east to Prairie Street, on September 6, 2008. All Streets will be reopened by noon on Sunday, September 7, 2008.

Mrs. Huston made a motion to approve the closings, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Jeff Jones/4-Way Stop Proposal-Concord Vineyard

Mr. Hager, I make a motion to turn this request over to Rick McVay, LaPorte County Highway Engineer, to investigate and come back to us with a recommendation, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Tim Kazmierzak/Speed Limit Sign & No Trucks Sign

Mr. Hager, I make a recommendation to turn this request over to Rick McVay, LaPorte County Highway Engineer.

Mrs. Huston made a motion to turn this over to Mr. McVay, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

OLD BUSINESS

Ordinance to Amend Health Department Service Fees

Mrs. Huston made a motion to approve Ordinance to Amend Health Department Service Fees, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Mrs. Huston made a motion to wave the rules and approve on the second reading, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

This will be Ordinance #2008-14, effective September 1, 2008.

dh2W

Mr. Hager, we are having a bit of a problem. Why can't we get this building done? I was guaranteed that we would open the bids tonight. I went to the fair and found out that the bids would not be in on time and that the Commissioners have been left out of this process. This upsets me. I wanted a pole type building and for some reason we cannot get that done. When the County Council had their meeting in Wanatah, they were told you would keep them informed. Have you ever heard from them Mr. Cunningham?

Mr. Cunningham, no we have not as of our last council meeting.

Mr. Potratz, In January 2008, Mr. Hager, President of the LaPorte County Board of Commissioners, contacted me about designing an office building to be located south of the LaPorte County fairgrounds on the southwest side of the property. The intent was that the building would be completely built and ready to occupy prior to December 31, 2008, so that further renting would not be necessary. The

Commission thought a 10,000 square foot building would be sufficient for their needs and the budget of 1.2 million was to be expected. According to the contract drawn up, for our architecture services for a fee of 70% of the estimated construction cost or \$84,000.00 plus reimbursable expenses. This contract was signed in February of 2008, by Mr. Hager, Chairman of the Board of Commissioners. According to this contract, an initial payment along with \$3,500.00 was to be made by the Board of Commissioners to begin work. Mr. Hager emphasized the urgency of getting the building constructed by the end of 2008 and with his permission, I began conferring with the three users, Purdue University Extension Service, LaPorte County Soil and Water Office, and the LaPorte County Solid Waste District Office. The first design was a two story structure, and, although the three users were agreeable to the design, Mr. Hager felt that the site work was excessive and asked it to be redesigned as a single story. A billing of 35% completion of project was sent on February 19, 2008, even though no retainer payment had been received and no reason was given for not paying. However, based on a very positive experience I had with the Board of Commissioners on the 911 project, I assumed there would be a payment in due course. The second design increased the requested square footage. Meetings were held in my office with the users and Mr. Hager. When the drawings of the second design were completed, they were submitted to the State for board review. Approval was received from the state. The plans were then sent out to contractors for bidding. On March 19, 2008, I requested payment of 70% of completion since the project had been put out for bids. I have still not received initial contract signing payment or the billing of 35% completion. Unfortunately this second design fell into a higher category than we allowed for. The bids were open on April 22, 2008, at the County Commissioner's meeting and came in at double the budget. Shortly after the Commissioner's meeting, I was requested to attend the County Council meeting in Wanatah. I learned that the Board of Commissioners have not received an appropriation from the Council to do any of this work for the architectural services or for the construction. The Council's attorney declared my contract with the Commissioners to be invalid due to the lack of prior funding. After hiring my own attorney, the County Council approved payment of 50% of my fee. Our office has designed the building for the third time and now that these drawings are complete and ready to bid, Mr. Hager, on July 28, 2008, instructed me not to do so. However, I requested a review of these plans by a local contractor to see if he could recommend how the project could be built for the budget amount, although the time constraints might be difficult to meet. My office has spent 1530 hours of time working on this project for a cost of \$51,000.00 and additional consultant expenses for close to \$12,000.00 which are paid from the contract fee. My costs alone are close to \$62,700.00, almost \$4,000.00 of reimbursable expense. I request the County Council pay me the 80% of fee due plus the previous payment of \$2,000.00.

Mr. Hager, Isn't your job as an architect to do what they tell you to do and not do what you want to do? I was never contacted. The Council said if you came in under 1.2 million, they would go for it. You made me a promise that you would have that out for bid and we would have that bid here tonight.

Mr. Potratz, I have a proposal here from a local contractor that says the project can be built for less than the \$1,200,000.00.

Mr. Hager, We have to bid this out. We just can't let someone have it.

Mr. Friedman, the question now is, are we ready to go out to bid now? The Commission has made it very clear that this has to be brought in at or below budget. If it is ready to go out for bid, Mr. Potratz needs direction from the Commission to do just that. The Council wants to see movement, wants it bid competitively, on time and on budget.

Mr. Potratz, We can have it out for bids as early as Thursday of this week.

Mr. Hager, I want this made very clear, if they miss one thing they are out the door.

Mr. Friedman, The timing will work if you give the instruction to prepare this to go out to bid. You won't give your bid award until we find out where the Council stands later this month.

Mr. Bohacek, I make a motion to put this project out to bid but the bid award is subject to the Council's approval of funding, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

NEW BUSINESS

Paul Young, Director Emergency Management/Resolution Approving the County of LaPorte Multi-Hazard Mitigation Plan

Mr. Young, this is to sign the Resolution approving the County of LaPorte Multi-Hazard Mitigation Plan that was discussed at the previous meeting. It has been signed in the past, this is just a renewal.

Mr. Bohacek, made a motion to accept this Resolution, # 2008-09, subject to the change of verbiage to read, Now Therefore, Be It Resolved By The County Commissioners of the County of LaPorte, IN, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

Paul Trost, Administrator LaPorte County Health Department/Update Swimming Pool Ordinance 94-16

Mr. Trost, the State Department has come up with new requirements and it is necessary to update our pool ordinance. The swimming pool Ordinance #94-16 would be replaced in its' entirety with this new ordinance.

Mr. Bohacek made a motion to accept the new Ordinance, seconded by Mrs. Huston, motion carried by voice vote 3-0. Mr. Bohacek made a motion to suspend the rules and adopt on the 1st reading, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Ordinance #2008-15.

Attorney Robert Szilagyi/Excess Property

Mr. Szilagyi, my recommendation is that they should hire an attorney.

Mr. Howell Jones, I can do the legal work but it would help if criteria would be set up for taxpayers to follow.

Mr. Szilagyi, the Commissioners need to form a resolution so people will be able to follow what needs to be done. I could draw up a form so taxpayers could follow the procedure for this process.

Mrs. Huston made a motion to table, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Gallagher Bassett Services, Inc./Contract for Services

Mr. Szilagyi, this is a contract for services with Gallagher Bassett Services, Inc., to manage our litigation claims.

Mrs. Huston made a motion to approve this contract and allow President Hager to sign for the Commission, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Melissa Mischke, GIS Coordinator/Request for County GIS Data to Build a Statewide Map

Mrs. Mischke, I believe the Commissioners have received communication from the state of Indiana requesting information data from the county which includes land parcels, point addresses, local roads, and jurisdiction boundaries. This will be free for us to do and if we participate in the creation of the IndianaMap by providing the data using the web feature service, we will qualify for the Indiana Homeland Security grant dollars and/or the Indiana Geographic Information Council's Address Integration Project funds.

Mr. Bohacek made a motion to participate in the program, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

Melissa Mischke, GIS Coordinator/GIS Professional Services Agreement

Mrs. Mischke, This is a professional services agreement between The Schneider Corporation and LaPorte County, IN. This is for the Beacon web services for a 3 year period of time. They will have the site open in two weeks.

Mrs. Huston, this was one of the very best demonstrations we have had and it was very well put together.

Mr. Bohacek made a motion to approve the agreement and allow Mr. Hager to sign on behalf of the entire board, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Mr. Bohacek, the Commission will designate you, Mrs. Mischke, as our representative.

Resolution to Sell and Transfer Ambulance to the Westville Community Volunteer Fire Department

Mrs. Huston made a motion to pass the Resolution to Sell and Transfer Ambulance To The Westville Community Volunteer Fire Department, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Resolution #2008-10

Al Ott, Stationary Engineer/Request Money for Remodeling of LaPorte County Office Annex and Building Maintenance Department

Mr. Ott, we have bills for \$81,093.98 for remodeling of the Assessor's and Treasurer's Offices in the Hiler Building.

Mrs. Huston made a motion to approve, seconded by Mr. Bohacek, motion carried by roll call vote 3-0.

Amendment to Zoning Ordinance to include Wind Tower Farms

Mr. Szilagyi, the LaPorte County Plan Commission held a public hearing on July 29, 2008 regarding amendments to the zoning ordinance in regard to Wind Tower Farms. There has been a lot of interest and people contacting the County for direction on Wind Tower Farms.

Mr. Bohacek made a motion to approve the Ordinance, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Mr. Bohacek made a motion to suspend the rules and approve on the first reading, seconded by Mrs. Huston, motion carried by voice vote 3-0.

Ordinance to Amend Chapter 8 of the LaPorte County Code to Amend the LaPorte County Zoning Ordinance, #2008-16.

Juvenile Services Contract

Mr. Szilagyi, I talked to Judge Alevizos on this and it has to do with payment from the Indiana Department of Child Services of \$130 a day when placed in the Juvenile Center.

Mrs. Gettinger, Mr. Friedman has recommended this for signatures. Judge Alevizos has negotiated with the Department of Child Services here locally for this \$130.00 per diem .

Mr. Bohacek made a motion to approve and to allow the President to sign on behalf of the entire board, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

Rick McVay, Highway Engineer/TEA-21 Repaving Projects

Mr. McVay, we have \$2,000,000.00 of Federal Funding left over and I would like to get those resurfacing projects moving as soon as possible. We do have to go through the RFP process.

Mrs. Huston, made a motion to have Mr. McVay start the process, seconded by Mr. Bohacek, motion carried by voice vote 3-0.

Rick McVay, Highway Engineer/Small Structure Inventory

Mr. McVay, I am recommending that we separate the small structure inventory update from the Bridge Inventory in order to expedite the project. The small structure inventory uses local funds and therefore we will not be required to run the project through INDOT. The last inventory was completed in 2003. United Consulting, Inc. was rated second in the RFP process and I would recommend that the Commissioners give this firm due consideration when selecting a consultant to perform the inspection work.

Mr. Bohacek made a motion to accept Mr. McVay's recommendation and use United Consulting, Inc. for the project, seconded by Mrs. Huston, motion carried by roll call vote 3-0.

PUBLIC COMMENTS

Kelly Dickson, 173 Country Club Drive, LaPorte, IN, I would like to have Country Club Drive be considered a school zone due to the new Critchfield School.

Mr. Hager, Mr. McVay, would you look into to this and give us a recommendation at the next meeting.

COMMISSIONER'S COMMENTS

Mrs. Huston, I would like to thank Mr. Hager, Terry Garner, & Gene Shurte, for a great county fair. Also, on behalf of the Commissioners, I would like to offer our condolences to Rob Beckman who has just lost his wife at a very young age.

Mr. Hager, we have received an anonymous letter about the Sheriff's Department. We have no authority over the Sheriff's Department and their employees.

ADJOURN


Mr. Hager adjourned the meeting at 7:04 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


William Hager, President


Michael Bohacek, Vice President


Barbara Huston, Member

ATTEST: 
Teresa Shuter, LaPorte County Auditor